

### **REMARKS**

Further and favorable reconsideration is respectfully requested in view of the foregoing amendments and following remarks.

Entry of the amendments is proper under 37 CFR §1.116 because the amendments place the application in condition for allowance, and do not raise any new issue requiring further search and/or consideration. The amendments are necessary and were not earlier presented, because they are made in response to arguments raised in the final rejection.

Claims 1, 3-5, 7, 9-16, 18, 19, 24-26 and 30 are pending in this application. Non-elected claims 3, 11, 13, 14, 16, 18, 19, 24, 25 and 30 are withdrawn from consideration.

By this Amendment, claims 1, 7 and 10 are amended to delete "R<sup>9</sup> and R<sup>10</sup> can be taken together to form a ring".

#### **I. Claim Rejection Under 35 U.S.C. § 112**

In the Office Action of May 13, 2009, the Examiner rejects claims 1, 4-7, 9, 10, 12, 15 and 26 under 35 U.S.C. § 112, first paragraph. These claims are not rejected under 35 U.S.C. § 112 in the Office Action of November 25, 2009, and Applicants presume that the rejection has been overcome. Accordingly, Applicants respectfully request the Examiner to expressly withdraw the rejection in the next Official Action.

#### **II. Claim Rejection Under 35 U.S.C. § 102**

The Examiner rejects claims 1, 4, 5, 7, 9-11, 19 and 26 under 35 U.S.C. § 102(e) as being anticipated by US 6,875,780 (Auerbach et al.). As applied to the amended claims, Applicants respectfully traverse the rejection.

In the compound depicted on page 2 of the Office Action, a cyclopropyl group is shown where R<sup>9</sup> and R<sup>10</sup> of formula (I) of claim 1 is present. However, claim 1 is amended to delete "R<sup>9</sup> and R<sup>10</sup> can be taken together to form a ring". Therefore, the reference does not anticipate claim 1.

Claims 4, 5, 7, 9, 10 and 26 depend from claim 1, and thus also are not anticipated by the reference.

Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

### III. Applicants Request the Examiner to Examine the Full Scope of the Claims

Applicants respectfully request the Examiner to examine the full scope of the claims. Applicants have addressed each rejection in response to the Office Actions. Nevertheless, the Examiner continues to cite new references, rather than citing all of the applicable references in a single Office Action. **As a result, this application has undergone piecemeal prosecution, which is clearly improper under MPEP 707.07(g), and has created an unfair financial burden upon Applicants.**

Moreover, Applicants note that during a personal interview held January 30, 2009, she agreed to attempt to expand her search to encompass the full scope of the claims (see Interview Summary dated February 4, 2009).

If the Examiner finds new prior art, which allegedly anticipates or allegedly renders the claims obvious, **Applicants respectfully request the Examiner to cite all of references and to set forth all of rejections in the next Office Action so that Applicants can address all of the rejections in one response.**

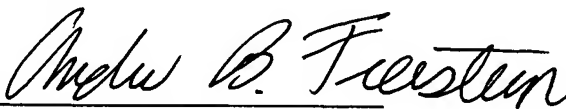
### IV. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner find that anything further would be desirable in order to place the application in better condition for allowance, she is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

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